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PROTOCOL
BETWEEN THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA AND THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION OF THE UNITED MEXICAN STATES CONCERNING THE USE OF RADIO FREQUENCIES BY CERTAIN FIXED TERRESTRIAL LINKS CONSTITUTING A CROSS BORDER PUBLIC SECURITY COMMUNICATIONS NETWORK ALONG THE COMMON BORDER

This Protocol is being concluded pursuant to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, signed at Williamsburg, Virginia June 16, 1994 (hereinafter referred to as the "Agreement").

ARTICLE I. Purposes

The purposes of this Protocol are:

1. To ensure that the Administrations, as defined in Article II of this Protocol, establish and carry out a plan of assigning radio frequencies to certain microwave stations that constitute fixed terrestrial cross border links so that the stations are protected from harmful interference;

2. To establish the concept of the Cross Border Public Security[1] Communications Network (hereinafter the "Network") that consists of certain fixed terrestrial cross border links;

3. To establish a United States-Mexico Working Group on Cross Border Public Security Communications (hereinafter referred to as the "Working Group") to enhance the interoperability of public security communications through the Network on each side of the common border for the purpose of improving border security and combating border violence; and

4. To establish membership, mandate, function and administration of the Working Group.

ARTICLE II. Designation of Administrations

The National Telecommunications and Information Administration ("NTIA") and the Department of Homeland Security ("DHS") are hereby designated as the responsible Administrations for the implementation of this Protocol for the United States of America (hereinafter "United States"), as provided in Article IV of the Agreement. The Secretariat of Communications and Transportation ("SCT") and the Secretariat of Public Security ("SSP") of the United Mexican States are hereby designated as the responsible Administrations for the implementation of this Protocol for the United Mexican States (hereinafter "Mexico"), as provided in Article IV of the Agreement. For purposes of

[1] For purposes of this Protocol, the term "public security" includes law enforcement and public safety.

coordination and operation of the Working Group with the designated Administration of the other party, DHS is the designated Administration for the United States and SSP is the designated Administration for Mexico.

ARTICLE III. Protection of Existing Assignments

The NTIA and SCT shall take the necessary steps in their national assignment processes, in their maintenance of databases containing appropriate assignment data, and in their national spectrum administration procedures, to protect from interference the existing assignments constituting the Network and that are designated to receive such protection by DHS and SSP.

ARTICLE IV. Designation of Stations and Exchange of Technical Information

1. The DHS and SSP shall jointly identify the particular microwave stations that make up the terrestrial links that will constitute the Network under this Protocol.

2. At the time of the signing and entry into force of this Protocol, the NTIA and SCT shall exchange letters of understanding that include the assignment data and technical parameters of the U.S. and Mexican microwave stations that make up the terrestrial links that constitute the Network mentioned in Article III and paragraph 1 of this Article.

ARTICLE V. Confidentiality and Protection of Information

1. The four Administrations mentioned in Article II above (NTIA, DHS, SCT and SSP) shall seek to protect from disclosure the technical information regarding the microwave stations that constitute the Network, including the exchanged assignment data and technical parameters, in order to protect the critical infrastructure from security breaches and harm.

2. The Co-Chairs of the Working Group established under Article VI may authorize the provision of the technical information mentioned in paragraph 1

of this Article to state, local or similar governmental public security organizations that may become interconnected to the Network on the condition that the information not be further disclosed.

ARTICLE VI. Membership of the Working Group

The Working Group shall have the following membership:

1. For the United States: Representatives of the:

   a. DHS;

   b. NTIA;

   c. Federal Communications Commission ("FCC"); and

   d. Department of State ("State").

2. For Mexico: Representatives of the:

   a. SSP; and

   b. SCT.

3. A representative of DHS and a representative of SSP shall serve as Co-chairs.

4. As mutually agreed, the Working Group may invite representatives of other federal, state, local or similar governmental public security organizations to its meetings.

ARTICLE VII. Mandate and Function of the Working Group

1. The mandate and functions of the Working Group shall include:

   a. Recommending means of cooperation to establish plans and programs to install, operate and maintain the fixed terrestrial cross border links that constitute the Network, including establishing procedures for operations, calling and routing over the Network as well as conducting related training concerning the Network;

b. Inviting certain federal, state, local or similar governmental public security organizations to interconnect their stations to the fixed terrestrial cross border links that constitute the Network;

c. Exchanging information, experts and technicians related to operation of the Network, as mutually agreed;

d. Formulating and adopting measures for protecting from disclosure and ensuring the confidentiality and security of the microwave station locations and the technical information concerning the microwave stations that constitute the Network;

e. Exchanging information on improving operational responses to requests for support or assistance under procedures established outside this Protocol, such as the Border Violence Protocols;

f. Establishing and improving communications procedures to support preparation for emergency responses and resumption of normal mission activities after disruptive events;

g. Continuing assessment of communications planning for improvements in operations of the Network;

h. Promoting conferences, meetings, workshops and similar events concerning operation of the Network; and

i. Other activities related to operation of the Network, as mutually recommended by the Co-chairs.

2. Representatives of each country reserve the right to limit activities under this Protocol to their own internally established procedures, requirements and time frames associated with matters of border security.

3. In carrying out its mandate in this Article, the Working Group may take the following additional actions:

a. Establish joint subgroups to carry out specific tasks; and

b. Invite representatives of other governmental or

non-governmental organizations to meetings of the subgroups with the prior express agreement of both Co-chairs and as long as the role of such additional participants has been specifically defined beforehand.

4. All official communications related to the activities of the Working Group shall be directed through the Co-chairs.

5. The Working Group shall meet annually, alternately hosted by the United States and Mexico on dates approved by both Co-chairs, and shall meet otherwise on an as-needed basis as approved by the Co-chairs.

6. All activities undertaken by each Administration under this Article shall be subject to its own domestic laws and the availability of funds. Each of the Members of the Working Group and each of the participants shall bear their own costs of the participation unless otherwise agreed.

ARTICLE VIII. Differences in Interpretation or Application

Any difference arising from the interpretation or application of this Protocol shall be resolved through agreement of the Authorities set forth in Article IV of the Agreement.

ARTICLE IX. Relation to the Agreement

This Protocol forms an integral part of the Agreement and shall be referred to as Protocol 18, Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Use of Radio Frequencies By Certain Fixed Terrestrial Links Constituting a Cross Border Public Security Communications Network Along the Common Border.

ARTICLE X. Entry into Force, Amendment and Termination

This Protocol shall enter into force on the first day of September, 2009. It shall remain in force until it is replaced by a new protocol, or until it is amended or terminated in accordance with Articles V and VII of the Agreement.

IN WITNESS WHEREOF, the respective representatives have signed the present Protocol at Washington and Mexico City on the thirty-first day of August, 2009, and on the first day of September, 2009, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA:

Amb. Philip L. Verveer
United States Coordinator for International Communications and Information Policy

FOR THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION OF THE UNITED MEXICAN STATES:

Ms. Gabriela Hernández Cardoso
Under Secretary of Communications

FOR THE SECRETARIAT OF PUBLIC SECURITY OF THE UNITED MEXICAN STATES:

Mr. José Francisco Niembro González
Under Secretary of Evaluation and Institutional Development